IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3662 OF 2004

Vinod Ramkripal Gaud .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Ms.A.A.Walawalkar for the applicant.
Mr.B.H.Mehata APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 31ST AUGUST, 2004

P.C.:

. Heard Ms.Walawalkar, learned counsel for the applicant and Mr.Mehata, learned A.P.P. for the respondent.

2. The applicant has approached this court for being released on bail in C.R.No.I-21 of 2004 registered at Vani police station mainly under section 302 of Indian Penal Code.

3. It is the prosecution case that on 7.3.2004 all the accused committed murder of Premsingh Sundersingh. In so far as the present applicant is concerned, it is alleged that he assaulted the deceased with wooden plank/stick. The occurrence

was witnessed by four eye-witnesses. All the eye-witnesses in their statements attributed the specific overt act to the applicant. This court has rejected application for bail of co-accused - Rakeshkumar Ramnihor Saroj by the order dated 24.8.2004 passed in Criminal Application No.3300 of 2004. Mr.Mehata, learned A.P.P. at the outset pointed out that there is no difference between the role allegedly played by co-accused - Rakeshkumar Saroj and the present applicant and in view thereof this application deserves to be rejected. I have perused the order dated 24.8.2004 and other material placed before me. In my opinion, there is absolutely no difference between the role allegedly played by the present applicant and co-accused - Rakeshkumar Saroj and in view thereof this is not a fit case to enlarge the applicant on bail. The application is rejected.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

(D.B.Bhosale, J.)